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Case No.: NL 021260 (7790/448)  
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**DRAWING AMENDMENT**

The Applicant has amended FIG. 1 on Replacement Sheet 1/3 to include a reference sign "1" for the activity monitor.

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**-- REMARKS --**

**Specification.** In the Non-Final Office action, Examiner Shah objected to the specification for having a typographical error. The Applicant has amended the specification herein to correct the typographical error, and no new matter was introduced by the amendment of the specification herein. Withdrawal of the objection to the specification is therefore respectfully requested.

**Drawings.** In the Non-Final Office Action, Examiner Shah objected to the drawings under 37 C.F.R. §1.84(p)(5) for failing to show a reference sign "1" for the activity monitor. The Applicant submits a Replacement Sheet 1/3 including a reference sign "1" for the activity monitor. No new matter was introduced by the amendment of the drawings herein. Withdrawal of the objection to the drawings is therefore respectfully requested.

**Claims.** In the Non-Final Office Action, Examiner Shah objected to and rejected pending claims 1-13 on various grounds. The Applicant responds to each rejection as subsequently recited herein, and respectfully requests reconsideration and further examination of the present application under 37 CFR § 1.112:

**A.** Examiner Shah objected to claim 9 for failing to include proper antecedent basis

The Applicant has amended claim 9 herein to obviate this objection to claim 9. Withdrawal of the objection of claim 9 is therefore respectfully requested.

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- B. Examiner Shah rejected claims 1-3 and 9 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,122,960 to *Hutchings* et al.

The Applicant has thoroughly considered Examiner Shah's remarks concerning the patentability of claims 1-3 and 9 over the *Hutchings*. The Applicant has also thoroughly read the *Hutchings*. To warrant this §102(b) rejection of claims 1-3 and 9, *Hutchings* must show each and every limitation of independent claims 1 and 9 in as complete detail as is contained in independent claims 1 and 9. *See*, MPEP §2131. The Applicant respectfully traverses this §102(b) rejection of independent claims 1 and 9, because, among other things, *Hutchings* fails to show "characterized in that the activity monitor is operable to monitor and process the sensor signals discontinuously in time" in as complete detail as recited in independent claim 1, and "characterized in that the sensor signals are monitored and processed discontinuously in time" in as complete detail as recited in independent claim 9.

As to the traversal, a proper understanding of *Hutchings* reveals the fact that *Hutchings* teaches a continuous monitoring and processing of the sensor signals. Specifically, *Hutchings* teaches a device that monitor and processes sensor signals on a continuous basis to thereby measure distance traveled, speed and height jumped by a person while running or walking. Such measurements are performed by measurement cycles whereby each measurement cycle is initiated and completed in dependence upon the sensor signals. Thus, the device of *Hutchings* must continuously monitor and process the sensor signals to (1) determine when to initiate or end a measurement cycle and (2) perform the proper measurements during a measurement cycle. *See*, *Hutchings* at the Abstract; column 4, lines 8-41 and column 23, line 56 to column 25, line 62.

Withdrawal of the rejection of independent claims 1 and 9 under 35 U.S.C. §102(b) as being anticipated by *Hutchings* is therefore respectfully requested.

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Claims 2 and 3 depend from independent claim 1. Therefore, dependent claims 2 and 3 include all of the elements and limitations of independent claim 1. It is therefore respectfully submitted by the Applicant that dependent claims 2 and 3 are allowable over *Hutchings* for at least the same reason as set forth herein with respect to independent claim 1 being allowable over *Hutchings*. Withdrawal of the rejection of dependent claims 2 and 3 under 35 U.S.C. §102(b) as being anticipated by *Hutchings* is therefore respectfully requested.

- C. Examiner Rosenbaum rejected claims 4-8 and 10-13 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,122,960 to *Hutchings* in view of U.S. Patent No. 6,201,476 B1 to *Depeursinge et al.* or a reference entitled "A continuous patient activity monitor: validation and relation to disability" to *Walker et al.*

Claims 4-8 depend from independent claim 1. Therefore, dependent claims 4-8 include all of the elements and limitations of independent claim 1. It is therefore respectfully submitted by the Applicant that dependent claims 4-8 are allowable over *Hutchings* in view of *Depeursinge* or *Walker* for at least the same reason as set forth herein with respect to independent claim 1 being allowable over the *Hutchings*. Withdrawal of the rejection of dependent claims 4-8 under 35 U.S.C. §103(a) as being unpatentable over *Hutchings* in view of *Depeursinge* or *Walker* is therefore respectfully requested.

Claims 10-13 depend from independent claim 9. Therefore, dependent claims 10-13 include all of the elements and limitations of independent claim 9. It is therefore respectfully submitted by the Applicant that dependent claims 10-13 are allowable over *Hutchings* in view of *Depeursinge* or *Walker* for at least the same reason as set forth herein with respect to independent claim 9 being allowable over the *Hutchings*. Withdrawal of the rejection of dependent claims 10-13 under 35 U.S.C. §103(a) as being unpatentable over *Hutchings* in view of *Depeursinge* or *Walker* is therefore respectfully requested.

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**SUMMARY**

The Applicant respectfully submits that claims 1-15 fully satisfy the requirements of 35 U.S.C. §§ 102, 103 and 112. In view of the foregoing, favorable consideration and early passage to issue of the present application is respectfully requested. If any points remain in issue that may best be resolved through a personal or telephonic interview, Examiner Shah is respectfully requested to contact the undersigned at the telephone number listed below.

Dated: April 24, 2006


Respectfully submitted,  
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